

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOHN BRYANT LAWSON,	)	3:14-cv-00345-LRH-WGC
	)	
Plaintiff,	)	<b><u>MINUTES OF PROCEEDINGS</u></b>
	)	
vs.	)	February 19, 2015
	)	
	)	
WILLIAM M. LAWSON, JR., <i>et al.</i> ,	)	
Defendants.	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Mary M. Linde, Esq.

COUNSEL FOR DEFENDANTS: Matthew Peter Digesti, Esq. and Ann Morgan, Esq.

**MINUTES OF PROCEEDINGS: Status Conference**

10:04 a.m. Court convenes.

The court holds today's hearing to address Defendants' motion to bifurcate (Doc. # 30) and the latest proposed Joint Discovery Plan and Scheduling Order (Doc. # 41) submitted by the parties after the discovery status conference held on January 7, 2015 (Doc. # 31).

The court discusses the merits of the request for rescission with the parties and whether a resolution of the issue of rescission might be dispositive of the case. Based upon the court's review of Plaintiff's arguments on rescission in his motion for partial summary judgment (Doc. # 38), and the arguments contained in Defendants' Motion to Bifurcate (Doc. # 30), the court decides to bifurcate the case and first determine the threshold issue on rescission.

**IT IS ORDERED** Defendants' Motion to Bifurcate (Doc. # 30) is **GRANTED**. The court states the case will proceed on the threshold issue regarding rescission as set forth in the Fourth Cause of Action in Plaintiff's Complaint (Doc. # 1, pg. 12-13).

The court reverses its prior order on bifurcating discovery (Doc. # 31) and rules that discovery during the "rescission stage" should be limited to issues pertaining to Plaintiff's claims of rescission. Relative to the court's decision to bifurcate, a revised joint discovery plan and

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scheduling order shall be submitted to the court. Discovery as to the rescission claim shall be completed no later than **Tuesday, March 31, 2015**. Dispositive motions as to the rescission claim shall be filed no later than **Monday, April 17, 2015**. Thereafter, the normal briefing schedule for response and reply deadlines shall follow accordingly. The court instructs Defendants' counsel to draft and submit the revised proposed order.

**IT IS FURTHER ORDERED** that all other discovery, with exception of the three depositions identified today<sup>1</sup> and any written discovery the parties are currently involved in, is deferred pending resolution on the subject of rescission.

The court grants Defendants' oral motion to defer consideration of Plaintiff's motion for partial summary judgment, under Fed. R. Civ. P. 56(d), to allow Defendants to undertake the limited discovery identified by the court which Defendants represent is necessary to be able to respond to Plaintiff's motion for partial summary judgment.

**IT IS FURTHER ORDERED**, Plaintiff's Motion for Partial Summary Judgment (FRCP, 56(a); LR 56-1)" (Doc. # 38) is **DENIED without prejudice**. The court will administratively re-file Plaintiff's motion (Doc. #38) as of Friday, April 17, 2015. Should Defendants file their motion prior to April 17, 2015, the court will re-file Plaintiff's motion as of that date. Plaintiff is granted leave to supplement his motion for partial summary judgment based upon any additional discovery which may be secured. The court reminds the parties of the thirty 30 page limitation on briefing in LR 7-4.

The parties discuss with the court this issue of attorney client privilege and waiver (if any), which may surface at one or more depositions of counsel who were involved in the underlying case. The court encourages the parties to schedule a meet and confer conference before the parties undertake the upcoming depositions to share authorities regarding these potential issues and to try to resolve any of the discovery issues.

**IT IS SO ORDERED.**

10:50 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By:                     /s/                      
Katie Lynn Ogden, Deputy Clerk

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<sup>1</sup> Mary Linde, John Bryant Lawson and Larry Beemis.